IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7242 of 2005

Between:

Kurapati Padmavathi, W/o. Late Ramasubrahmanyam, Hindu,
R/o. Peddapasupula Village, Pedda Mudiam Mandal, Kadapa District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Pedda Mudiam Mandal, Kadapa District.
2 The Mandal Educational Officer, Pedda Mudiam Mandal, Kadapa District.
3 K. Nageswaramma, W/o. Chandra Sekhar Reddy, Hindu,
R/o. Peddapasupula Village, Pedda Mudiam Mandal, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents particularly the 1st respondent in removing the petitioner as Cooking Agency of Mandal Parishad Primary School, 1st Ward, Peddapasupula Village, Pedda Mudiam Mandal of Kadapa District and appointing the 3rd respondent in the place of the petitioner in his Ref.No. B/55/2005, dated 17-3-2005 without issuing any notice, without conducting any enquiry and without application of mind as illegal, unjust, arbitrary discriminatory, extraneous and against the principles of natural justice and consequently set aside the impugned order passed by the 1st respondent in his Ref.No. B/55/2005, dated 17-3-2005 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner : MR. L.J.VEERA REDDY

Counsel for the Respondents : GP FOR SCHOOL EDUCATION

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.7242 OF 2005

ORDER:

This writ petition is filed questioning the proceedings of the first respondent – Mandal Revenue Officer dated 17-03-2005, thereby discharging the Petitioner as Cooking Agency under the Midday Meal Scheme of 1st Ward of Mandal Parishad Primary School, Peddapasupula village, Peddamudiam Mandal of Kadapa District on certain allegations in discharging duties as Cooking Agency. Under the same proceedings, the third respondent herein has been appointed as Cooking Agency in the place of the petitioner. Though the learned Counsel for the petitioner raised various grounds and contended that the impugned order is arbitrary, illegal and in violation of the principles of natural justice, I do not see any justifiable reason to entertain the writ petition. Since the Midday Meal Scheme is a Non-statutory Scheme, the guidelines do not confer any right on the petitioner which can be enforced by invoking extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

That apart, under G.O.Ms.No.94, Education (SE-PROG-1) Department, dated 25-11-2002 under which the Midday School Scheme has been decided to be implemented as per the guidelines specified thereunder, the Joint Collector of the concerned District is the authority to monitor the process of selection and functioning of the implementing agencies.

In the circumstances, the learned Government Pleader for School Education appearing for the respondents 1 & 2 states that if the petitioner is aggrieved it is open to her to prefer the Appeal before the Joint Collector.

Accordingly, without expressing any opinion on merits, the Writ Petition is disposed of granting leave and liberty to the petitioner to prefer the Appeal before the Joint Collector. If any such Appeal is preferred within a period of two weeks from today, the same shall be entertained and appropriate orders be passed in accordance with law.

The Writ Petition is accordingly disposed of. No costs.

_____

8th April, 2005.

gbs

To

1 The Mandal Revenue Officer, Pedda Mudiam Mandal, Kadapa District.
2 The Mandal Educational Officer, Pedda Mudiam Mandal, Kadapa District.
3. Two CCs G.P. for School Education, High Court of AP Bldgs, Hyderabad (OUT)

4. 2 CD copies